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EXAMINER
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TARAE, CATHERINE MICHELLE

ART UNIT	PAPER NUMBER
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3623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/31/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/586,722	<b>Applicant(s)</b> MCLEAN ET AL.	
	<b>Examiner</b> C. Michelle Tarae	<b>Art Unit</b> 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5,8-18,21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,8-18,21 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The following is a Final Office Action in response to the communication received on October 30, 2006. Claims 1-5, 8-18, 21 and 22 are now pending in this application.

#### ***Response to Amendment***

2. No claims have been amended or added.

#### ***Response to Arguments***

3. Applicant's arguments are with regard to the secondary reference, Belani et al. (U.S. 6,944,777). The arguments have been fully considered and are not found persuasive. In the Remarks, Applicant argues the following: 1) Belani et al. does not teach access to *assumed variables in a data structure*; but, instead, teaches access to *computer resources* in a multi-domain distributed computing network; 2) Belani et al. does not teach the assumed variables in said data structure being arranged in a multi-level hierarchy in which assumed variables positioned at a lower level in the hierarchy influence one or more assumed variables positioned at a higher level in the hierarchy; and 3) with regard to claim 10, Belani et al. does not teach authorizing certain levels of users to enter real-time feedback into a data structure that is used to determine an outcome for the value stream of a business enterprise.

In response to argument 1), Examiner respectfully disagrees. According to Applicant's own disclosure on pages 8-9 and 24-25 in the Specification, the assumed variables associated with a value stream are manipulated and stored in a matrix in a

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database. Thus, the assumed variables recited in the claims are described in Applicant's Specification as data stored and maintained in a database. Both matrices and databases may be reasonably construed as data storage means for maintaining data. Therefore, Examiner respectfully submits that Belani et al.'s disclosure of authorizing access to "resources" where resources include files, databases or other data storage means whose access operations include read, write, publish, edit, delete, update, etc. (col. 4, lines 61-63; col. 7, lines 6-9) and where the files, databases and data storage means reside in a hierarchy with different access operations for each hierarchy (col. 9, lines 1-40), is reasonable and relevant in terms of anticipating Applicant's claim limitations of accessing assumed variables in a data structure. Belani et al. teaches that each level in the hierarchy of files, databases and data storage means has different levels of access authorization; therefore, the data maintained in the files, databases and data storage means are associated with different levels in a hierarchy with differing levels of access authorization.

In response to argument 2), Examiner respectfully disagrees. First, Examiner relied on Eder, not Belani et al., to teach the limitation Applicant is arguing. Second, whether the most influential variable is at a "higher" level versus a "lower" level is not a patentably distinguishable feature, as all that is required to meet the limitation is that a variable at one level of a hierarchy influences a variable at a different level of the hierarchy. Naming the levels of the hierarchy "higher level" and "lower level" merely constitutes non-functional descriptive data. Thus, Examiner respectfully submits that both Eder and Belani et al. meet the limitation in the following ways: Eder teaches the

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"Value of current-operation" variable is comprised of components revenue, expense and capital, which are further comprised of sub-components. Thus, the sub-components influence the components, which influence the value of current-operation (col. 11, lines 15-63); Belani et al. teaches resources (i.e., file, database or other data storage means) in a hierarchical relationship in which a descendent resource inherits the access list information of its ancestors, the ancestors being at different levels in the hierarchy than their descendents. Thus, ancestor resources influence the data associated with descendent resources (col. 8, lines 21-28; col. 9, lines 1-40). Additionally, Examiner respectfully submits that Applicant is arguing limitations not expressly recited in the claims on page 5 of the Remarks when Applicant argues that variables at a higher level in the hierarchy are less detailed and variables at a lower level in the hierarchy are more detailed. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, the distinguishing of levels in the hierarchy as having different levels of detail does not need to be addressed by the references as this limitation is not expressly recited in the claims.

In response to argument 3), Examiner respectfully disagrees. As in argument 2), Applicant is arguing a combination of limitations not asserted by Examiner as taught by Belani et al. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed.

Cir. 1986). Essentially, claim 10 recites similar limitations to claim 1 except for using "real-time feedback" in place of "altering variables." Examiner respectfully submits that there is no patentable distinction between a user providing real-time feedback versus a user altering a variable as both have a user submitting or editing data. Accordingly, the arguments addressed above in responses to arguments 1) and 2), apply to the argument and rejection of claim 10 as well.

In conclusion, Applicant's arguments have been fully considered, but are found unpersuasive. Therefore, the rejections are maintained and repeated below.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 8-18, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eder (U.S. 6,321,205) and Belani et al. (U.S. 6,944,777).

As per claim 1, Eder discloses a computer-implemented method of processing data relating to the performance of a business enterprise in creating value, comprising:

developing a data structure, by use of a computer system, including assumed variables that have an influence on a value stream of the business enterprise, the assumed variables in said data structure being arranged in a multi-level hierarchy in which assumed variables positioned at a lower level in the hierarchy influence one or

more assumed variables positioned at a higher level in the hierarchy (col. 11, lines 15-63; The "Value of current-operation" is comprised of components revenue, expense and capital, which are further comprised of sub-components. Thus, the sub-components influence the components, which influence the value of current-operation.);

determining, by use of a computer system, a first outcome for the value stream of the business enterprise based upon the assumed variables (col. 12, lines 1-30; The component values are calculated to determine the operation value.);

authorizing a user to alter one or more of the assumed variables according to a level of the hierarchy in which the assumed variables are positioned (col. 20, lines 14-22; col. 21, line 34-col. 22, line 8; Users can alter the variables when performing the calculations.); and

determining a second outcome for the value stream of the business enterprise taking into account the altered assumed variables (col. 6, lines 44-64; col. 23, lines 12-15; The system allows the user to generate changes in the variables when performing the calculations.).

Eder does not expressly disclose authorizing a user to alter one or more of the assumed variables based on a level of authorization of the user and a level of the hierarchy in which the assumed variables are positioned, wherein different levels of authorization have access to different levels of assumed variables. Belani et al. discloses controlling access to resources on a network based on a level of authorization of a user (col. 9, lines 31-40) and the level in the hierarchy in which a resource is in (col. 8, lines 21-31), where different levels of authorization have access to different levels of

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resources (col. 9, lines 1-4 and 11-24). The hierarchy of resources includes an inheritance in which resources at a higher level are considered as "parent nodes" to resources at a lower level in the hierarchy called "child nodes" and child nodes inherit the access list, or authorization levels of users, from their parent nodes (col. 8, lines 45-47 and 65-67). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art for the system of Eder to incorporate access control of its variables in its data processing system by granting authorization levels to each user for each assumed variable as taught by Belani et al. because doing so ensures that only users with the proper permission have access to the variables, thus maintaining the integrity of the data within the system.

As per claim 2, Eder discloses the method according to claim 1, wherein the first outcome includes a present financial value of the value stream (col. 12, lines 1-30; Revenue, expense and capital are indicative of financial value.).

As per claim 3, Eder discloses the method according to claim 1, wherein the first outcome includes a non-financial metric (col. 19, lines 27-30; Figure 5B; The first outcome can also include non-financial data.).

As per claim 4, Eder discloses the method according to claim 1, further comprising:

enabling each of a plurality of users to alter the assumed variables according to a level of the hierarchy in which the assumed variables are positioned (abstract; col. 20, lines 14-22; col. 21, line 34-col. 22, line 8; Figure 5A; Users can alter the variables when performing the calculations.);



storing, for each altered assumed variable, an identification of the user who made the alteration (col. 6, lines 44-64; col. 8, lines 1-30; col. 9, line 53-col. 10, line 1; col. 10, lines 6-18; Figures 4, 5A, 5B and 16; Users can track the changes they make in the system over time. User input is also stored in databases.); and

determining alternate outcomes for the value stream of the business enterprise taking into account selected aggregations of the altered assumed variables wherein the selected aggregations are formed according to the stored identifications (col. 6, lines 44-64; col. 20, lines 18-22; Figure 1; The system determines alternate outcomes based on the altered data.).

Eder does not expressly disclose authorizing each of a plurality of users to alter the assumed variables based on a level of authorization of each of the users and a level of the hierarchy in which the assumed variables are positioned, wherein different levels of authorization have access to different levels of assumed variables. Belani et al. discloses controlling access to resources on a network based on a level of authorization of a user (col. 9, lines 31-40) and the level in the hierarchy in which a resource is in (col. 8, lines 21-31), where different levels of authorization have access to different levels of resources (col. 9, lines 1-4 and 11-24). The hierarchy of resources includes an inheritance in which resources at a higher level are considered as "parent nodes" to resources at a lower level in the hierarchy called "child nodes" and child nodes inherit the access list, or authorization levels of users, from their parent nodes (col. 8, lines 45-47 and 65-67). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art for the system of Eder to incorporate access control of

its variables in its data processing system by granting authorization levels to each user for each assumed variable because doing so ensures that only users with the proper permission have access to the variables, thus maintaining the integrity of the data within the system.

As per claims 5 and 18, Eder discloses a computer-implemented method of processing data relating to the performance of a business enterprise in creating value, comprising:

developing a data structure, by use of a computer system, including a plurality of assumed variables that have an influence on a value stream of the business enterprise, wherein the assumed variables are arranged in a multi-level hierarchy in which assumed variables positioned at a lower level in the hierarchy influence one or more assumed variables positioned at a higher level in the hierarchy, the data structure having a portion which defines a base case scenario for the business enterprise (col. 11, lines 15-63; The "Value of current-operation" is comprised of components revenue, expense and capital, which are further comprised of sub-components. Thus, the sub-components influence the components, which influence the value of current-operation.);

determining, by use of a computer, an outcome for the value stream of the business enterprise based upon the assumed variables of the base case scenario (col. 12, lines 1-30; The component values are calculated to determine the operation value.);

storing each altered assumed variable in the data structure in association with an identifier of the user who made the alteration, and maintaining the assumed variables of the base case scenario unchanged by the plurality of users (col. 6, lines 44-64; col. 8,

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lines 1-30; col. 9, line 53-col. 10, line 1; col. 10, lines 6-18; Figures 4, 5A, 5B and 16;

Users can track the changes they make in the system over time. User input is also stored in databases.);

aggregating selected ones of the altered assumed variables and selected ones of the assumed variables of the base case scenario in accordance with the stored identifiers to form one or more alternate scenarios (col. 11, lines 36-52; Resulting values can be added together to form alternate scenarios.); and

determining, by use of the computer system, an outcome for the value stream of the business enterprise based upon each of the alternate scenarios (col. 6, lines 44-64; col. 20, lines 18-22; Figure 1; The system determines alternate outcomes based on the altered data.).

Eder does not expressly disclose authorizing a plurality of users to alter one or more of the assumed variables based on a level of authorization of each user and a level of the hierarchy in which the assumed variables are positioned, wherein different levels of authorization have access to different levels of assumed variables. Belani et al. discloses controlling access to resources on a network based on a level of authorization of a user (col. 9, lines 31-40) and the level in the hierarchy in which a resource is in (col. 8, lines 21-31), where different levels of authorization have access to different levels of resources (col. 9, lines 1-4 and 11-24). The hierarchy of resources includes an inheritance in which resources at a higher level are considered as "parent nodes" to resources at a lower level in the hierarchy called "child nodes" and child nodes inherit the access list, or authorization levels of users, from their parent nodes

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(col. 8, lines 45-47 and 65-67). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art for the system of Eder to incorporate access control of its variables in its data processing system by granting authorization levels to each user for each assumed variable because doing so ensures that only users with the proper permission have access to the variables, thus maintaining the integrity of the data within the system.

As per claims 8 and 21, Eder discloses the method according to claims 5 and 18, wherein the outcome of the base case scenario includes a present financial value of the value stream (col. 12, lines 1-30; Revenue, expense and capital are indicative of financial value.).

As per claim 9, Eder discloses the method according to claim 8, wherein the outcome of the base case scenario includes a non-financial metric (col. 19, lines 27-30; Figure 5B; The first outcome can also include non-financial data.).

As per claim 10, Eder discloses a computer-implemented method of processing data relating to the performance of a business enterprise in creating value, comprising:

developing a data structure, by use of a computer system, including a plurality of assumed variables that have an influence on a value stream of the business enterprise, the data structure having a portion which defines a base case scenario for the business enterprise (col. 11, lines 15-63; The "Value of current-operation" is comprised of components revenue, expense and capital, which are further comprised of sub-components. Thus, the sub-components influence the components, which influence the value of current-operation.);

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determining, by use of a computer system, an outcome for the value stream of the business enterprise based upon the assumed variables of the base case scenario (col. 12, lines 1-30; The component values are calculated to determine the operation value.);

providing real-time feedback, by each of a plurality of users, on the value creation performance of the business enterprise (col. 20, lines 14-22; col. 21, line 34-col. 22, line 8; Users can alter the variables when performing the calculations.);

storing the real-time feedback in the data structure in association with an identifier of the user who provided each portion of the feedback, and maintaining the assumed variables of the base case scenario unchanged by the plurality of users (col. 6, lines 44-64; col. 8, lines 1-30; col. 9, line 53-col. 10, line 1; col. 10, lines 6-18; Figures 4, 5A, 5B and 16; Users can track the changes they make in the system over time. User input is also stored in databases.);

aggregating selected ones of the portions of the feedback and selected ones of the assumed variables of the base case scenario (col. 11, lines 36-52; Resulting values can be added together to form alternate scenarios.);

determining, by use of a computer system, an outcome for the value stream of the business enterprise based upon the selected ones of the portions of the feedback and the selected ones of the assumed variables of the base case scenario (col. 6, lines 44-64; col. 20, lines 18-22; Figure 1; The system determines alternate outcomes based on the altered data.).

Eder does not expressly disclose selectively authorizing a plurality of users to provide real-time feedback on the value creation performance of the business enterprise based on a level of authorization of each user, wherein only certain levels of authorization are permitted to provide real-time feedback. Belani et al. discloses controlling access to resources on a network based on a level of authorization of a user (col. 9, lines 31-40) and the level in the hierarchy in which a resource is in (col. 8, lines 21-31), where different levels of authorization have access to different levels of resources (col. 9, lines 1-4 and 11-24). The hierarchy of resources includes an inheritance in which resources at a higher level are considered as "parent nodes" to resources at a lower level in the hierarchy called "child nodes" and child nodes inherit the access list, or authorization levels of users, from their parent nodes (col. 8, lines 45-47 and 65-67). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art for the system of Eder to incorporate access control of its variables in its data processing system by granting authorization levels to each user for each assumed variable because doing so ensures that only users with the proper permission have access to the variables, thus maintaining the integrity of the data within the system.

As per claim 11, Eder discloses the method according to claim 10, wherein the assumed variables are arranged in a multi-level hierarchy in which assumed variables positioned at a lower level in the hierarchy influence one or more assumed variables positioned at a higher level in the hierarchy (col. 11, lines 15-63; The "Value of current-operation" is comprised of components revenue, expense and capital, which are further

comprised of sub-components. Thus, the sub-components influence the components, which influence the value of current-operation.).

Eder does not expressly disclose authorizing a plurality of users to alter one or more of the assumed variables based on a level of authorization of each user and a level of the hierarchy in which the assumed variables are positioned, wherein different levels of authorization have access to different levels of assumed variables. Belani et al. discloses controlling access to resources on a network based on a level of authorization of a user (col. 9, lines 31-40) and the level in the hierarchy in which a resource is in (col. 8, lines 21-31), where different levels of authorization have access to different levels of resources (col. 9, lines 1-4 and 11-24). The hierarchy of resources includes an inheritance in which resources at a higher level are considered as "parent nodes" to resources at a lower level in the hierarchy called "child nodes" and child nodes inherit the access list, or authorization levels of users, from their parent nodes (col. 8, lines 45-47 and 65-67). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art for the system of Eder to incorporate access control of its variables in its data processing system by granting authorization levels to each user for each assumed variable because doing so ensures that only users with the proper permission have access to the variables, thus maintaining the integrity of the data within the system.

As per claim 12, Eder discloses the method according to claim 10, wherein the outcome of the base case scenario includes a present financial value of the value

stream (col. 12, lines 1-30; Revenue, expense and capital are indicative of financial value.).

As per claim 13, Eder discloses the method according to claim 10, wherein the outcome of the base case scenario includes a non-financial metric (col. 19, lines 27-30; Figure 5B; The first outcome can also include non-financial data.).

As per claim 14, Eder discloses a system for processing data relating to the performance of a business enterprise in creating value, comprising:

a memory device for storing a data structure including assumed variables that have an influence on a value stream of the business enterprise, the assumed variables in said data structure being arranged in a multi-level hierarchy in which assumed variables positioned at a lower level in the hierarchy influence one or more assumed variables positioned at a higher level in the hierarchy (col. 11, lines 15-63; The "Value of current-operation" is comprised of components revenue, expense and capital, which are further comprised of sub-components. Thus, the sub-components influence the components, which influence the value of current-operation.);

means for authorizing a user to alter one or more of the assumed variables according to a level of the hierarchy in which the assumed variables are positioned (col. 20, lines 14-22; col. 21, line 34-col. 22, line 8; Users can alter the variables when performing the calculations.);

a filter for selecting certain ones of the assumed variables and for selecting certain ones of the altered assumed variables (col. 12, lines 44-67; col. 16, lines 24-27;



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Figures 5A and 5B; The system selects certain variables for analysis and based on certain criteria may prompt the user for additional or altered data.); and

a calculation engine for receiving the certain ones of the assumed variables and the certain ones of the altered assumed variables from the filter and for determining an outcome for the financial value stream of the business enterprise based upon the certain ones of the assumed variables and the certain ones of the altered assumed variables (col. 6, lines 44-64; col. 23, lines 12-24; The system calculates the received variables and compares them with previously specified variables.).

Eder does not expressly disclose authorizing a user to alter one or more of the assumed variables based on a level of authorization of the user and a level of the hierarchy in which the assumed variables are positioned, wherein different levels of authorization have access to different levels of assumed variables. Belani et al. discloses controlling access to resources on a network based on a level of authorization of a user (col. 9, lines 31-40) and the level in the hierarchy in which a resource is in (col. 8, lines 21-31), where different levels of authorization have access to different levels of resources (col. 9, lines 1-4 and 11-24). The hierarchy of resources includes an inheritance in which resources at a higher level are considered as "parent nodes" to resources at a lower level in the hierarchy called "child nodes" and child nodes inherit the access list, or authorization levels of users, from their parent nodes (col. 8, lines 45-47 and 65-67). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art for the system of Eder to incorporate access control of its variables in its data processing system by granting authorization levels to each user

for each assumed variable because doing so ensures that only users with the proper permission have access to the variables, thus maintaining the integrity of the data within the system.

As per claim 15, Eder discloses the system according to claim 14, wherein the outcome of the base case scenario includes a present financial value of the value stream (col. 12, lines 1-30; Revenue, expense and capital are indicative of financial value.).

As per claim 16, Eder discloses the system according to claim 14, wherein the outcome of the base case scenario includes a non-financial metric (col. 19, lines 27-30; Figure 5B; The first outcome can also include non-financial data.).

As per claim 17, Eder discloses the system according to claim 14, further comprising:

means for authorizing each of a plurality of users to alter the assumed variables according to a level of the hierarchy in which the assumed variables are positioned, wherein for each altered assumed variable, an identification of the user who made the alteration is stored in the data structure (abstract; col. 20, lines 14-22; col. 21, line 34-col. 22, line 8; Figure 5A; Users can alter the variables when performing the calculations.);

means for determining alternate outcomes for the value stream of the business enterprise taking into account selected aggregations of the altered assumed variables wherein the selected aggregations are formed according to the stored identifications (col. 6, lines 44-64; col. 8, lines 1-30; col. 9, line 53-col. 10, line 1; col. 10, lines 6-18;

col. 20, lines 18-22; Figure 1, 4, 5A, 5B and 16; The system determines alternate outcomes based on the altered data. Users can track the changes they make in the system over time. User input is also stored in databases.).

As per claim 22, Eder discloses the method according to claim 18, wherein the outcome of the base case scenario includes a non-financial metric (col. 19, lines 27-30; Figure 5B; The first outcome can also include non-financial data.).

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Tarae whose telephone number is 571-272-

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6727. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 571-272-6729.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



C. Michelle Tarae  
Primary Patent Examiner  
Art Unit 3623

January 29, 2007